

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Creative Power Solutions, an Arizona
corporation,

Plaintiff,

v.

Energy Services Group, an Arizona limited
liability company; Innovative Energy, and
Arizona limited liability company; Brent
Gregory and Maria Gregory, husband and
wife; Christopher Bonilha and Jane Doe
Bonilha, husband and wife; Evellyn Ancheschi
and John Doe Ancheschi, wife and husband;
Brent Allen Gregory and Maria Rosario
Gregory, as trustees of the Montaldeo
Revocable Trust established on July 25, 2012;
Does I through X; and Roe Corporations I
through X, inclusive,

Defendants.

Case No. 2:21-cv-01559-JAT

TEMPORARY RESTRAINING
ORDER WITH
AN ASSET FREEZE,
AND OTHER
EQUITABLE RELIEF, AND
ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE

(FILED UNDER SEAL)

Plaintiff Creative Power Solutions ("CPS") has filed a complaint seeking an
injunction and other equitable relief, pursuant to the Civil RICO Act, and an *ex parte*
motion for temporary restraining order ("TRO" or "Order") pursuant to Rule 65(b)
of the Federal Rules of Civil Procedure.

FINDINGS OF FACT

This Court has considered the complaint, the TRO motion, and the exhibits,
memoranda, declarations, and other submissions filed in support thereof, and now
being advised in the premises, finds that:

1 1. This Court has jurisdiction over the subject matter of this case, there is
2 good cause to believe it will have jurisdiction over Defendants.

3 2. Venue in the District of Arizona is proper under 28 U.S.C. § 1391(b) and
4 (c) and 15 U.S.C. § 53(b).

5 3. There is good cause to believe that Defendants ESG, LLC; Innovative
6 Energy, LLC; Brent Gregory; Maria Gregory; Christopher Bonilha; Evellyn Ancheschi;
7 and Brent Allen Gregory and Maria Rosario Gregory, Trustees of the Montaldeo Revocable
8 Trust have engaged in acts or practices that violate the Civil RICO Act, and that the
9 Plaintiff is therefore likely to prevail on the merits of this action.
10

11 4. There is good cause to believe that immediate and irreparable damage to
12 the Court's ability to grant effective final relief for consumers in the form of monetary
13 restitution and/or disgorgement of ill-gotten gains will occur from the transfer,
14 dissipation, or concealment by Defendants of their assets or business records unless
15 Defendants are immediately restrained and enjoined by Order of this Court; and that
16 in accordance with Fed. R. Civ. P. 65(b), the interest of justice requires that the Plaintiff's
17 TRO Motion be heard *ex parte* without prior notice to Defendants. Therefore, there is
18 good cause for relieving Plaintiff of its duty to provide Defendants with prior notice of
19 the Plaintiff's TRO Motion.
20

21 5. Weighing the equities and considering Plaintiff's likelihood of ultimate
22

1 success, a temporary restraining order with an asset freeze and other equitable relief is
2 in the public interest.

3 6. On the facts as averred, plaintiff would likely prevail on a claim for unjust
4 enrichment. The diversion by defendants suggests that plaintiff will be unable to recoup
5 any of its funds without prompt injunctive action. This is sufficient to show irreparable
6 harm. This harm substantially outweighs the negligible harm to the defendants from the
7 entry of a restraining order which essentially would consist of loss of the use of the frozen
8 funds for a short period until the parties could be heard on whether a preliminary injunction
9 should issue. On the facts as averred, the public interest would not be affected adversely in
10 any way. Also, the prevention of unjust enrichment by means of fraud or misappropriation,
11 even that affecting only private entities, is in the general public interest.
12

13 **ORDER**

14 **ASSET FREEZE**

15
16 The TRO requested by plaintiff will be granted. The freeze of assets will be limited
17 to the identified \$1,738,662.00 in the forensic accounting record and will automatically
18 dissolve upon defendants' escrow of \$1,738,662.00.
19

20 **IT IS FURTHER ORDERED** that Defendants Brent Gregory and Brent Allen
21 Gregory and Maria Rosario Gregory, as trustees of the Montaldeo Revocable Trust
22 established on July 25, 2012, are hereby temporarily restrained and enjoined from
23

1 directly or indirectly:

2 A. Transferring, liquidating, converting, encumbering, pledging, loaning,
3 selling, concealing, dissipating, disbursing, assigning, granting a lien or security
4 interest or other interest in, or otherwise disposing of real property, or

5 B. Incurring liens or encumbrances on real property, for the following
6 property:

7
8 i. Defendant Brent Alan Gregory and Maria Rosario Gregory, Co-
9 Trustee of **the Montaldeo Revocable Trust**, established July 25,
2012

10 (a) Real Property located in Coconino County, Arizona.
11 More particularly described as:

12 Lot 14, of SASKAN RANCH, according to the plat of
13 record in the office of the County Recorder of
14 Coconino County, Arizona, recorded as Case 6, Map
22-22A. Attached hereto as "Exhibit B".

15 (b) Real Property located in Maricopa County, Arizona.
16 More particularly described as:

17 Lot 13, of Scottsdale Mountain Parcel 6B, according to
18 the Plat of record in the office of the County Recorder
of Maricopa County, Arizona, recorded in Book 384 of
Maps, Page 44. Attached hereto as "Exhibit C".

19 C. Transferring, liquidating, converting, encumbering, pledging, loaning,
20 concealing, dissipating, disbursing, assigning, spending, withdrawing, granting a lien
21 or security interest or other interest in, or otherwise disposing of any funds at the named
22

1 banking institution, for the following personal property;

2
3 ii. **Defendant Brent Alan Gregory**

4 (a) Any and all excess proceeds on a Trustee's Sale held on
5 July 8, 2021, for the Real Property located in Maricopa
6 County, Arizona. More particularly described as:

7 Lot 508, Verrado Parcel 5.505, according to the final
8 plat thereof recorded in Book 859 of Maps, page 39,
9 and Certificate of Correction recorded in Instrument
10 No. 2006-1322719, official records of Maricopa
11 County, Arizona. Attached hereto as "Exhibit D".

12 (b) Any financial accounts at BMO Harris.

13 A. From concealing, dissipating, destroying, or erasing any evidence related
14 to this case, including but not limited to account information, contracts, consumer lists,
15 or financial records wherever located and however maintain, including outside the
16 United States, that are: (1) owned or controlled, directly or indirectly, by any
17 Defendant(s), in whole or in part, or held, in whole or in part for the benefit of any
18 Defendant(s); (2) in the actual or constructive possession of any Defendant(s); or (3)
19 owned, controlled by, or in the actual or constructive possession of any corporation,
20 partnership, or other entity directly or indirectly owned, managed, or controlled by, or
21 under common control with any Defendant(s).

DURATION OF ORDER

IT IS FURTHER ORDERED that the Temporary Restraining Order granted herein shall expire on the ____ day of _____, 2021, at _ o'clock a.m./p.m., unless within such time, the Order, for good cause shown, is extended for an additional period not to exceed fourteen (14) calendar days, or unless it is further extended pursuant to Federal Rule of Civil Procedure 65.

JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

IT IS SO ORDERED, this ____ day of _____, 2021.

UNITED STATES DISTRICT JUDGE